

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF / RESPONDENT

v.

Civil No. 05-5174
Criminal No. 03-50052-01

MARCO FLORES

DEFENDANT / MOVANT

O R D E R

NOW on this 24th day of May 2006, the above referenced matter comes on for consideration. The Court, being well and sufficiently advised, finds as follows:

1. On March 21, 2006, the Magistrate Judge's Report and Recommendation (doc. #90) was filed in this matter. The Report and Recommendation provided the parties ten (10) days within which to file written objections.

2. On April 17, 2006, Marco Flores filed his Motion to Request an Extension of Time (doc. #91) requesting an extension of thirty (30) days within which to respond to the Report and Recommendation.

3. The Court, through its Order of April 19, 2006, granted Flores an extension of time, allowing him until May 19, 2006 within which to respond to the Report and Recommendation.

4. That time has now expired, and the Court, being well and sufficiently advised that there has been no objection, finds that the Report and Recommendation should be, and it hereby is, **adopted in toto.**

IT IS THEREFORE ORDERED that, for the reasons set forth therein, the **Magistrate Judge's Report And Recommendation** is **adopted *in toto***. Accordingly, the instant petition is **dismissed** as time barred by the one-year statute of limitation contained in the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996, Pub. L. No. 014-132, 110 Stat. 1214, 28 U.S.C. § 2255.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE